

MINUTES ~ January 31, 2006

Ponaganset High School Library

1. Call to Order

Mr. Gregory Laramie, Chair of the Foster Glocester Regional Building Committee, called the Special Meeting of the Foster Glocester Regional Building Committee to order at 6:35 PM in the Ponaganset High School Library.

2. Roll Call

Mrs. Kecia Pierce called the roll. In attendance were Mr. Gregory Laramie of Glocester, Mrs. I. Lorraine O'Connors of Glocester, Mr. William Abt of Foster, Mr. Dennis Chretien of Foster, Mr. Raymond Fogarty of Glocester, Mr. Warren Ducharme of Foster and Mrs. Patti Fountain of Foster. Mr. George Jacques of Glocester was absent due to a conflict with a basketball game.

3. Award of Land Clearing Bid

Mr. Laramie informed the committee that the sole item on the agenda is the awarding of the land clearing bid in response to the RFP issued by the committee on January 12, 2006. Mr. Laramie explained that after the forester Marc Tremblay prepared the timber count on the property, the RFP was sent to 10 different companies. Mr. Laramie reported that there were five responses from the bids and reminded the committee that the RFP called for the bids to include three numbers: land clearing price, timber value and the net cost to the Building Committee. Mr. Laramie explained that the bids were opened at 2:00PM on Friday, January 27, 2006 and were received as follows:

	Clearing Cost	Timber Value	Net Cost
Great Woods Logging	16,025	0	16,025
L&L Dozer	48,000	16,000	32,000
Krawiec Tree Clearing	19,000	0	19,000
Adler Bros. Construction	40,000	15,050	25,950
N.E. Timberland Investment	37,000	27,750	9,250

Mr. Laramie informed the committee that when the bids were being opened it was noted that the bid from N.E. Timberland was in an opened envelope. The committee recorded the bid with the others and then before taking action on any of the bids, contacted Steve Winsor for an explanation as to why the envelope was not sealed. Mr. Winsor explained to the committee that he opened the bid envelope along with his 'regular' mail. Once he saw the envelope contained a bid he put it back in the envelope and stored it in a secure location in his office. No one other than he had seen the bid.

Mr. Laramie reported that he discussed the situation with attorney Gregory Piccirilli who did some research into state case law regarding the issue. He found that for an incident like this to negate a bid, the courts would need to find a "palpable abuse of discretion" or a

process that is shown to be corrupt or in bad faith. Mr. Laramie informed the committee that Mr. Piccerilli's opinion is that since the bid that was not sealed at the time of the opening was in fact the low bidder, there was no way the other bidders were prejudiced at all, and that process was legitimate, not in bad faith, and that the awarding of the bid should continue as planned.

Mr. Laramie reported that the A&E subcommittee met to review the bids immediately after the opening and Mr. Bruce Payton performed reference checks on N.E. Timberland. Mr. Payton spoke with a reference in CT and RI both of whom said that N.E. Timberland could get the job done. The subcommittee, in consultation with the attorney, unanimously recommended that the bid be awarded to the low bidder, N.E. Timberland Investments LLC.

Mr. Abt moved and Mrs. O'Connors seconded that:

Having evaluated the bid proposals in accordance with the Request for Proposals/Land Clearing Services for Construction of a New Middle School at Rustic Hill and Chopmist Hill Roads in Glocester, Rhode Island, as issued by this committee on January 12, 2006,

And having determined that N.E. Timberland Investments, LLC, 95 Kinney Hollow Road, Union, Connecticut, is the lowest qualified evaluated bid price, and that it is in the best interests of this Building Committee to accept this bid proposal,

I therefore move that the Foster Glocester Regional Building Committee enter into an agreement with N.E. Timberland Investments, LLC.

The agreement shall stipulate the values as indicated on the bid proposal by N.E. Timberland Investments, LLC, dated January 23, 2006, of Gross Land Clearing costs in the amount of \$37,000, stumpage value in the amount of \$27,750 for a net cost to the Building Committee of \$9,250.

The Agreement shall further stipulate that 50% of the bid amount shall be payable upon execution of the agreement and the remaining 50% upon satisfactory completion of all the work.

The Chairman of the Committee is hereby directed to undertake necessary negotiations to prepare and execute the formal agreement in accordance with the terms specified in the RFP and in this motion.

So voted, 6-0-1 with Mrs. Fountain abstaining.

4. Adjournment

Mr. Fogarty moved and Mrs. O'Connors seconded that the meeting be adjourned at 6:45 PM. So voted, 7-0.

Prepared by: Kecia Pierce, Building Committee Clerk

Approved by: Foster Glocester Building Committee, February 15, 2006